

EXHIBIT

“A”

085574

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

Ian Greene

No. 10-1885

Plaintiff (s)

)
SUMMONS

v.

Defendant (s)

The Brachfeld Law Group PC

* To the above-named Defendant:

You are hereby summoned and required to serve upon The Rose
Law Firm, PLLC, plaintiff's attorney,
whose address is 501 New Kerner Road, Albany, NY 12205
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgement by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the SUPERIOR COURT
Department of the Trial Court at WORCESTER either before service upon plaintiff's
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-
claim any claim which you may have against the plaintiff which arises out of the
transaction of occurrence that is the subject matter of the plaintiff's claim or you will
thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Worcester, the.....
day of

A true copy Attest:

11/9/2010

Deputy Sheriff Suffolk County

John Cottar
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —
CONTRACT/EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but
if you claim to have a defense, either you or your attorney must serve a copy of your written
answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior
Court, Room 1008.

CIVIL ACTION COVER SHEET		TRIAL COURT OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT COUNTY: Worcester	DOCKET NO. _____												
PLAINTIFF(S) Ian Greene		DEFENDANT(S) The Brachfeld Law Group, P.C.													
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE G. Christopher Gleason, The Rose Law Firm, PLLC, 501 New Karner Road, Albany New York 12205 (518) 869-9200		ATTORNEY (IF KNOWN)	085351												
BBOW# 653613		George C. Rokas, Wilson Elser, 260 Franklin Street, 14th Floor, Boston MA													
<u>Origin code and track designation</u>															
<p>Place an x in one box only:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"><input checked="" type="checkbox"/> 1. F01 Original Complaint</td> <td style="width: 25%;"><input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)</td> </tr> <tr> <td><input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)</td> <td><input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)</td> </tr> <tr> <td><input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)</td> <td><input type="checkbox"/> 6. E10 Summary Process Appeal (X)</td> </tr> </table>				<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)	<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)	<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)						
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CODE NO. D99 Other Equitable Remedies (specify) - Fast Track		TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)													
F0CPA/93A Unfair Debt Collection Seeking damages + injunctive relief		IS THIS A JURY CASE? Yes/No Yes													
<p>The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.</p>															
TORT CLAIMS (Attach additional sheets as necessary)															
<p>A. Documented medical expenses to date:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 75%;">1. Total hospital expenses</td> <td style="width: 25%; text-align: right;">\$</td> </tr> <tr> <td>2. Total Doctor expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Total chiropractic expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>4. Total physical therapy expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>5. Total other expenses (describe)</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Subtotal</td> </tr> </table>				1. Total hospital expenses	\$	2. Total Doctor expenses	\$	3. Total chiropractic expenses	\$	4. Total physical therapy expenses	\$	5. Total other expenses (describe)	\$	Subtotal	
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Subtotal															
<p>B. Documented lost wages and compensation to date</p>															
<p>C. Documented property damages to date</p>															
<p>D. Reasonably anticipated future medical and hospital expenses</p>															
<p>E. Reasonably anticipated lost wages</p>															
<p>F. Other documented items of damages (describe)</p>															
<p>G. Brief description of plaintiff's injury, including nature and extent of injury (describe)</p>															
<p>Total \$ _____</p>															
CONTRACT CLAIMS (Attach additional sheets as necessary)															
<p>Provide a detailed description of claim(s):</p>															
TOTAL \$.....															
<p>PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT</p>															
<p>I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."</p>															
<p>(Signature of Attorney of Record)</p>															
<p>A.O.S.C. 3-2007</p>															
<p>Date: 8/23/10</p>															

CIVIL ACTION COVER SHEET INSTRUCTIONS
SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

* CONTRACTS		* REAL PROPERTY		MISCELLANEOUS	
AD1 Services, Labor and Materials (F)	C01	Land Taking (eminent domain) (F)	E02	Appeal from Administrative Agency G.L. c. 30A (X)	
AD2 Goods Sold and Delivered (F)	C02	Zoning Appeal, G.L. c.40A (F)	E03	Claims against Commonwealth or Municipality (A)	
AD3 Commercial Paper (F)	C03	Dispute concerning title (F)	E05	Confirmation of Arbitration Awards (X)	
AD8 Sale or Lease of Real Estate (F)	C04	Foreclosure of mortgage (X)	E07	G.L. c.112, s.123 (Mary Moe) (X)	
A12 Construction Dispute (A)	C05	Condominium Lien & Charges (X)	E08	Appointment of Receiver (X)	
A99 Other (Specify) (F)	C99	Other (Specify) (F)	E09	General Contractor bond, G.L. c. 149, ss. 29, 29a (A)	
E03 Claims against Commonwealth or Municipality (A)	E03	Claims against Commonwealth or Municipality (A)	E11	Worker's Compensation (X)	
*TORT					
B03 Motor Vehicle Negligence-personal injury/property damage (F)	D01	Specific Performance of Contract (A)	E12	G.L.c.123A, s.12 (SDP Commitment) (X)	
B04 Other Negligence-personal injury/property damage (F)	D02	Reach and Apply (F)	E14	G.L.c. 123A, s. 9 (SDP Petition) (X)	
B05 Product Liability (A)	D06	Contribution or Indemnification (F)	E15	Abuse Petition, G.L. c. 209A (X)	
B06 Malpractice-Medical (A)	D10	Imposition of a Trust (A)	E16	Auto Surcharge Appeal (X)	
B07 Malpractice-Other (Specify) (A)	D12	Minority Stockholder's Suit (A)	E17	Civil Rights Act, G.L. c.12, s. 11H (A)	
B08 Wrongful Death, G.L. c.229, s.2A (A)	D13	Accounting (A)	E18	Foreign Discovery Proceeding (X)	
B15 Defamation (Libel-Slander) (A)	D99	Dissolution of Partnership (F)	E19	Sex Offender Registry G.L. c. 5, s. 178M (X)	
B19 Asbestos (A)		Declaratory Judgment G.L. c. 231A (A)	E25	Plural Registry (Asbestos cases) (F)	
B20 Personal Injury- slip & fall (F)		Other (Specify) (F)	E95	**Forfeiture G.L. c. 94C, s. 47 (F)	
B21 Environmental (A)			E96	Prisoner Cases (F)	
B22 Employment Discrimination (F)			E97	Prisoner Habeas Corpus (X)	
B99 Other (Specify) (F)			E99	Other (Specify) (X)	
E03 Claims against Commonwealth or Municipality (A)					

*Claims against the Commonwealth or a municipality are type E03, Average Track, cases.

**Claims filed by the Commonwealth pursuant to G.L.c.94C, s.47 Forfeiture cases are type E95, Fast track.

TRANSFER YOUR SELECTION TO THE FACE SHEET.

EXAMPLE:

CODE NO.	TYPE OF ACTION (SPECIFY)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence-Personal Injury	(F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>

SUPERIOR COURT RULE 29

DUTY OF THE PLAINTIFF. The plaintiff or his/her counsel shall set forth, on the face sheet (or attach additional sheets as necessary), a statement specifying in full and itemized detail the facts upon which the plaintiff then relies as constituting money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served on the defendant, together with the complaint. If a statement of money damages, where appropriate is not filed, the Clerk-Magistrate shall transfer the action as provided in Rule 29(5)(C).

DUTY OF THE DEFENDANT. Should the defendant believe the statement of damages filed by the plaintiff in any respect inadequate, he or his counsel may file with the answer a statement specifying in reasonable detail the potential damages which may result should the plaintiff prevail. Such statement, if any, shall be served with the answer.

A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT.

**FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
MAY RESULT IN DISMISSAL OF THIS ACTION.**

Commonwealth of Massachusetts
 County of Worcester
 The Superior Court

085572

CIVIL DOCKET # WOCV2010-01885-A
 Courtroom CtRm 20 - 4th fl (225 Main St, Worcester)

RE: **Greene v Brachfeld Law Group PC**
 TO:

G Christopher Gleason, Esquire
 501 New Karner Road
 Albany, NY 12205

SCHEDULING ORDER FOR F TRACK

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated, and case shall be resolved and judgment shall issue **06/17/2012**.

STAGES OF LITIGATION	DEADLINES		
	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court	11/25/2010	11/25/2010	
Response to the complaint filed (also see MRCP 12)		12/25/2010	
All motions under MRCP 12, 19, and 20	12/25/2010	01/24/2011	02/23/2011
All motions under MRCP 15	12/25/2010	01/24/2011	02/23/2011
All discovery requests and depositions served and non-expert depositions completed	06/23/2011		
All motions under MRCP 56	07/23/2011	08/22/2011	
Final pre-trial conference held and/or firm trial date set			12/20/2011
Case shall be resolved and judgment shall issue by 06/17/2012			06/17/2012

- The final pre-trial deadline is not the scheduled date of the conference.
- You will be notified of that date at a later time.
- Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

Dated: 08/30/2010

RECEIVED
THE ROSE LAW FIRM, PLLC

Dennis P. McManus, Esq.
 Clerk of the Court

Telephone: 508-831-2357 (session Clerk) or 508-831-2348

SEP 0 1 2010
 CASE: Greene v Brachfeld
 FILE: 10016-2013

POSTMARK DATE MAIL Reg
 METER DATE HAND
 RECD. BY EXPRESS

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130 —Check website as to status of case: <http://ma-trialcourts.org/tclc> 15577991.indd01.frgcl

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.:

IAN GREENE,)
Plaintiff,)
v.)
THE BRACHFELD LAW GROUP, P.C.,)
Defendant.)

COMPLAINT

PLAINTIFF CLAIMS TRIAL BY JURY

1. Plaintiff Ian Greene, resides at 282 Riverlin Street, Milbury, MA.
2. Defendant The Brachfeld Law Group P.C. is a foreign corporation with a principal place of business located at 880 Apollo Street, El Segundo, California and a registered agent in the Commonwealth located at 84 State Street in Boston.. The principal purpose of defendant is the collection of debts within the commonwealth and its sister states and defendant regularly attempts to collect debts alleged to be due to another party within the commonwealth.
3. At all time relevant hereto, defendant was engaged in trade or commerce within the meaning of M.G.L. c. 93A § 2.
4. The Massachusetts Attorney General has promulgated specific regulations for the express purpose "to establish standards, by defining unfair or deceptive acts or practices, for the collection of debts from persons within the Commonwealth of Massachusetts".

5. Defendant is a Creditor as that term is defined by 940 CMR 7.03.
6. Defendant is a "debt collector" as defined pursuant to 15 U.S.C. § 1692 (a) (6) as it regularly uses instrumentalities of interstate commerce such as the mail and telephone in its business, the principal purpose of which is the collection of debts.

FACTS

7. On or about August 12, 2009, defendant began communicating with plaintiff in an attempt to collect a debt.

8. Defendants communications with plaintiff improperly threatened legal action that could not be taken.

9. On August 12, 2009, plaintiff, who had been a victim of identity theft and did not owe the alleged debt, sent correspondence to defendant requesting validation of the alleged debt.

10. On August 12, 2009, defendant called plaintiff on two occasions.

11. On August 13, 2009, defendant received the validation request from plaintiff.

12. Defendant failed to send plaintiff a validation notice within the required five days of the initial communication attempting to collect a debt.

13. Thereafter, notwithstanding its failure to provide the requested validation of the alleged debt, defendant improperly continued debt collection activities aimed at plaintiff.

14. On August 19, 2009, defendant called plaintiff on two occasions.

15. On August 22, 2009, defendant called plaintiff of four occasions.

16. On August 24, 2009, defendant called plaintiff on four occasions.

17. On August 25, 2009, plaintiff sent a chapter 93A demand letter to defendant.

18. Defendant never responded to the Chapter 93A letter.

19. On August 26, 2009, defendant called plaintiff on four occasions.

20. Defendant has never provided any validation of the alleged debt to plaintiff.
21. On May 7, 2010, plaintiff, through counsel, sent a second chapter 93A demand to defendant.
22. Defendant failed to make a reasonable offer of settlement.

**COUNT I
(FDCPA)**

23. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

24. Based on the actions of defendant alleged herein, defendant violated The Fair Debt Collections Practices Act (15 U.S.C. § 1692 *et seq.*).

25. As a result of its violations of The Fair Debt Collections Practices Act, defendant is liable to Plaintiff for all actual damages sustained by him, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant for the following:

- A. Declaratory judgment that defendant violated the Fair Debt Collections Practices Act;
- B. An award of actual damages sustained by plaintiff;
- C. An award of additional damages pursuant to 15 U.S.C. § 1693 k;
- D. An award of the costs of the action as well as a reasonable attorney's fee pursuant to 15 U.S.C. § 1692 k;
- E. An award of any other and further relief which to the Court seems just and proper.

COUNT II
(Violation of MGL c. 93A)

26. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

27. Based on the actions of Defendant alleged herein, Defendant has violated MGL c. 93A.

28. Such violations include but are not limited to a violation of 940 CMR 7.04 by:

A. communicating with plaintiff via telephone without proper disclosure of the name of the creditor;

B. Calling plaintiff in excess of two calls in each seven day period at his residence;

C. Failing to provide validation information; and

D. Misrepresenting the nature and character of the alleged debt.

29. Failing to comply with the standards set forth in 940 CMR 7.04 is a violation of MGL c. 93A.

30. As a result of its numerous violations of MGL c. 93A, defendant is liable to plaintiff for all actual damages sustained by him or the sum of twenty five (25) dollars, whichever is greater, as well as an award of reasonable attorneys fees and the costs of the action.

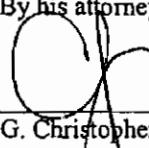
31. As defendant's violations of MGL c. 93A were knowing and willful, the amount of actual damages which plaintiff is entitled to recover should be trebled by the Court.

WHEREFORE, the plaintiff respectfully requests that the Court:

1. Enter judgment for plaintiff against defendant;
2. Enter an injunction against defendant preventing defendant from any further communication with plaintiff by telephone;
3. Award damages to the plaintiff in an amount to be determined by the Court;
4. Treble such amount as provided by MGL c. 93A § 9 (3);
5. Award plaintiff interest, costs and a reasonable attorney's fees as provided by MGL c. 93A § 9 (4); and
6. Award such other and further relief as this Court deems just and proper.

Dated: Albany, New York
August 24, 2010

Respectfully submitted,
Ian Greene
By his attorneys


G. Christopher Gleason, Esq. (B.B.O.#:653613)
THE ROSE LAW FIRM, PLLC
501 New Karner Road
Albany, New York 12205
(518) 869-9200

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085574

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
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.....

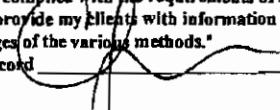

Clerk

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CODE NO. TYPE OF ACTION (specify) TRACK D99 Other Equitable Remedies (specify) - Fast Track FOCPA/93A Unfair Debt Collection Seeking damages + injunctive relief		IS THIS A JURY CASE? <input checked="" type="checkbox"/> Yes	
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Total \$ _____			
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Provide a detailed description of claim(s):			
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A12 Construction Dispute	(A)	C05 Condominium Lien & Charges	(X)	Confirmation of Arbitration Awards	(X)
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*TORT		EQUITABLE REMEDIES		General Contractor bond,	
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B21 Environmental	(A)			Plurz! Registry (Asbestos cases)	
B22 Employment Discrimination	(F)			E95 **Forfeiture G.L. c. 94C, s. 47	(F)
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**Claims filed by the Commonwealth pursuant to G.L.c.94C, s.47 Forfeiture cases are type E95, Fast track.

TRANSFER YOUR SELECTION TO THE FACE SHEET.

EXAMPLE:

CODE NO.	TYPE OF ACTION (SPECIFY)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence-Personal Injury	(F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>

SUPERIOR COURT RULE 29

DUTY OF THE PLAINTIFF. The plaintiff or his/her counsel shall set forth, on the face sheet (or attach additional sheets as necessary), a statement specifying in full and itemized detail the facts upon which the plaintiff then relies as constituting money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served on the defendant together with the complaint. If a statement of money damages, where appropriate is not filed, the Clerk-Magistrate shall transfer the action as provided in Rule 29(5)(C).

DUTY OF THE DEFENDANT. Should the defendant believe the statement of damages filed by the plaintiff in any respect inadequate, he or his counsel may file with the answer a statement specifying in reasonable detail the potential damages which may result should the plaintiff prevail. Such statement, if any, shall be served with the answer.

A CIVIL ACTION COVER SHEET MUST BE FILED WITH EACH COMPLAINT.

**FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
 MAY RESULT IN DISMISSAL OF THIS ACTION.**

**Commonwealth of Massachusetts
County of Worcester
The Superior Court**

085572

**CIVIL DOCKET # WOCV2010-01885-A
Courtroom CtRm 20 - 4th fl (225 Main St., Worcester)**

RE: **Greene v Brachfeld Law Group PC**
TO:

**G Christopher Gleason, Esquire
501 New Karner Road
Albany, NY 12205**

SCHEDULING ORDER FOR F TRACK

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated, and case shall be resolved and judgment shall issue 06/17/2012.

STAGES OF LITIGATION

DEADLINES

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court	11/25/2010	11/25/2010	
Response to the complaint filed (also see MRCP 12)		12/25/2010	
All motions under MRCP 12, 19, and 20	12/25/2010	01/24/2011	02/23/2011
All motions under MRCP 15, 41, and 56	12/25/2010	01/24/2011	02/23/2011
All discovery requests and depositions served and non-expert depositions completed	06/23/2011		
All motions under MRCP 56	07/23/2011	08/22/2011	
Final pre-trial conference held and/or firm trial date set			12/20/2011
Case shall be resolved and judgment shall issue by 06/17/2012			06/17/2012

- The final pre-trial deadline is not the scheduled date of the conference.
- You will be notified of that date at a later time.
- Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

Dated: 08/30/2010

RECEIVED
THE ROSE LAW FIRM, PLLC

Dennis P. McManus, Esq.

Memorandum, Esq.
Clerk of the Court

Telephone: 508-831-2357 (session Clerk) or 508-831-2348

SEP-01-2010

Telephone Codes - East (Section 1)

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POSTMARK DATE MAIL 8/20/09

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Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130. Check website as to status of case: <http://ma-trialcourts.org/cfcic>. 1557799 (Initial) (Entered)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.:

IAN GREENE,)
Plaintiff,)
v.)
THE BRACHFELD LAW GROUP, P.C.,)
Defendant.)

COMPLAINT

PLAINTIFF CLAIMS TRIAL BY JURY

1. Plaintiff Ian Greene, resides at 282 Riverlin Street, Milbury, MA.
2. Defendant The Brachfeld Law Group P.C. is a foreign corporation with a principal place of business located at 880 Apollo Street, El Segundo, California and a registered agent in the Commonwealth located at 84 State Street in Boston. The principal purpose of defendant is the collection of debts within the commonwealth and its sister states and defendant regularly attempts to collect debts alleged to be due to another party within the commonwealth.
3. At all time relevant hereto, defendant was engaged in trade or commerce within the meaning of M.G.L. c. 93A § 2.
4. The Massachusetts Attorney General has promulgated specific regulations for the express purpose "to establish standards, by defining unfair or deceptive acts or practices, for the collection of debts from persons within the Commonwealth of Massachusetts".

5. Defendant is a Creditor as that term is defined by 940 CMR 7.03.
6. Defendant is a "debt collector" as defined pursuant to 15 U.S.C. § 1692 (a) (6) as it regularly uses instrumentalities of interstate commerce such as the mail and telephone in its business, the principal purpose of which is the collection of debts.

FACTS

7. On or about August 12, 2009, defendant began communicating with plaintiff in an attempt to collect a debt.

8. Defendants communications with plaintiff improperly threatened legal action that could not be taken.

9. On August 12, 2009, plaintiff, who had been a victim of identity theft and did not owe the alleged debt, sent correspondence to defendant requesting validation of the alleged debt.

10. On August 12, 2009, defendant called plaintiff on two occasions.

11. On August 13, 2009, defendant received the validation request from plaintiff.

12. Defendant failed to send plaintiff a validation notice within the required five days of the initial communication attempting to collect a debt.

13. Thereafter, notwithstanding its failure to provide the requested validation of the alleged debt, defendant improperly continued debt collection activities aimed at plaintiff.

14. On August 19, 2009, defendant called plaintiff on two occasions.

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17. On August 25, 2009, plaintiff sent a chapter 93A demand letter to defendant.

18. Defendant never responded to the Chapter 93A letter.

19. On August 26, 2009, defendant called plaintiff on four occasions.

20. Defendant has never provided any validation of the alleged debt to plaintiff.
21. On May 7, 2010, plaintiff, through counsel, sent a second chapter 93A demand to defendant.
22. Defendant failed to make a reasonable offer of settlement.

**COUNT I
(FDCPA)**

23. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
24. Based on the actions of defendant alleged herein, defendant violated The Fair Debt Collections Practices Act (15 U.S.C. § 1692 *et seq.*).

25. As a result of its violations of The Fair Debt Collections Practices Act, defendant is liable to Plaintiff for all actual damages sustained by him, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant for the following:

- A. Declaratory judgment that conduct violated the Fair Debt Collections Practices Act;
- B. An award of actual damages sustained by plaintiff;
- C. An award of additional damages pursuant to 15 U.S.C. § 1693 k;
- D. An award of the costs of the action as well as a reasonable attorney's fee pursuant to 15 U.S.C. § 1692 k;
- E. An award of any other and further relief which to the Court seems just and proper.

COUNT II
(Violation of MGL c. 93A)

26. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

27. Based on the actions of Defendant alleged herein, Defendant has violated MGL c. 93A.

28. Such violations include but are not limited to a violation of 940 CMR 7.04 by:

A. communicating with plaintiff via telephone without proper disclosure of the name of the creditor;

B. Calling plaintiff in excess of two calls in each seven day period at his residence;

C. Failing to provide validation information; and

D. Misrepresenting the nature and character of the alleged debt.

29. Failing to comply with the standards set forth in 940 CMR 7.04 is a violation of MGL c. 93A.

30. As a result of its numerous violations of MGL c. 93A, defendant is liable to plaintiff for all actual damages sustained by him or the sum of twenty five (25) dollars, whichever is greater, as well as an award of reasonable attorneys fees and the costs of the action.

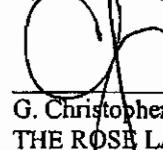
31. As defendant's violations of MGL c. 93A were knowing and willful, the amount of actual damages which plaintiff is entitled to recover should be trebled by the Court.

WHEREFORE, the plaintiff respectfully requests that the Court:

1. Enter judgment for plaintiff against defendant;
2. Enter an injunction against defendant preventing defendant from any further communication with plaintiff by telephone;
3. Award damages to the plaintiff in an amount to be determined by the Court;
4. Treble such amount as provided by MGL c. 93A § 9 (3);
5. Award plaintiff interest, costs and a reasonable attorney's fees as provided by MGL c. 93A § 9 (4); and
6. Award such other and further relief as this Court deems just and proper.

Dated: Albany, New York
August 24, 2010

Respectfully submitted,
Ian Greene
By his attorneys


G. Christopher Gleason, Esq. (B.B.O.#:653613)
THE ROSE LAW FIRM, PLLC
501 New Karner Road
Albany, New York 12205
(518) 869-9200

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085574

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

Ian Greene

No. 10-1885

The Brachfeld Law Group PC

Plaintiff (s)

v.

Defendant (s)

)
)
)
)
)
)
)
SUMMONS
)
)
)
)
)

* To the above-named Defendant:

You are hereby summoned and required to serve upon The Rose,
Law Firm, PLLC, plaintiff's attorney,
whose address is 501 New Karner Road, Albany, NY 12205
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgement by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the SUPERIOR COURT
Department of the Trial Court at WORCESTER either before service upon plaintiff's
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-
claim any claim which you may have against the plaintiff which arises out of the
transaction of occurrence that is the subject matter of the plaintiff's claim or you will
thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Worcester, the.....
day of in the year of our Lord two thousand and


Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —
CONTRACT/EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

* NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but
if you claim to have a defense, either you or your attorney must serve a copy of your written
answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior
Court, Room 1008.

CIVIL ACTION COVER SHEET		TRIAL COURT OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT COUNTY: Worcester	DOCKET NO. _____
PLAINTIFF(S) Ian Greene		DEFENDANT(S) The Brachfeld Law Group, P.C.	
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE G. Christopher Gleason, The Rose Law Firm, PLLC, 501 New Karner Road, Albany New York 12205 (518) 869-9200		ATTORNEY (IF KNOWN) George C. Rokas, Wilson Elser, 260 Franklin Street, 14th Floor, Boston MA	
BBO# 653613		085351	
Origin code and track designation			
Place an x in one box only: <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)			
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)			
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
D99 Other Equitable Remedies (specify) - Fast Track FOPLA/93A Unfair Debt Collection Seeking damages & injunctive relief		Yes/No <input checked="" type="checkbox"/> Yes	
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.			
TORT CLAIMS (Attach additional sheets as necessary)			
A. Documented medical expenses to date: 1. Total hospital expenses \$ _____ 2. Total Doctor expenses \$ _____ 3. Total chiropractic expenses \$ _____ 4. Total physical therapy expenses \$ _____ 5. Total other expenses (describe) \$ _____			Subtotal \$ _____
B. Documented lost wages and compensation to date C. Documented property damages to date D. Reasonably anticipated future medical and hospital expenses E. Reasonably anticipated lost wages F. Other documented items of damages (describe)			\$ _____
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)			\$ _____
Total \$ _____			
CONTRACT CLAIMS (Attach additional sheets as necessary)			
Provide a detailed description of claim(s):			
TOTAL \$.....			
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT			
<small>"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."</small>			
Signature of Attorney of Record A.O.S.C. 3-2007		Date: 8/23/10	

CIVIL ACTION COVER SHEET INSTRUCTIONS
SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

* CONTRACTS		* REAL PROPERTY		MISCELLANEOUS	
A01 Services, Labor and Materials (F)	C01 Land Taking (eminent domain) (F)	E02 Appeal from Administrative Agency G.L. c. 30A (X)			
A02 Goods Sold and Delivered (F)	C02 Zoning Appeal, G.L. c.40A (F)	E03 Claims against Commonwealth or Municipality (A)			
A03 Commercial Paper (F)	C03 Dispute concerning title (F)	E04 Foreclosure of mortgage (X)			
A06 Sale or Lease of Real Estate (F)	C04 Condominium Lien & Charges (X)	E05 Confirmation of Arbitration Awards (X)			
A12 Construction Dispute (A)	C05 Other (Specify) (F)	E06 G.L. c.112, s.12S (Mary Moe) (X)			
A99 Other (Specify) (F)	C99 Claims against Commonwealth or Municipality (A)	E07 Appointment of Receiver (X)			
E03 Claims against Commonwealth or Municipality (A)	E03 Other (Specify) (F)	E08 General Contractor bond, G.L. c. 149, ss. 29, 29a (A)			
*TORT		EQUITABLE REMEDIES		(A)	
B03 Motor Vehicle Negligence- personal injury/property damage (F)	D01 Specific Performance of Contract (A)	E11 Worker's Compensation (X)			
B04 Other Negligence- personal injury/property damage (F)	D02 Reach and Apply (F)	E12 G.L.c.123A, s.12 (SDP Commitment) (X)			
B05 Products Liability (A)	D06 Contribution or Indemnification (F)	E14 G.L. c. 123A, s. 9 (SDP Petition) (X)			
B06 Malpractice-Medical (A)	D07 Imposition of a Trust (A)	E15 Abuse Petition, G. L. c. 209A (X)			
B07 Malpractice-Other (Specify) (A)	D10 Accounting (A)	E16 Auto Surcharge Appeal (X)			
B08 Wrongful Death, G.L. c.229, s.2A (A)	D12 Dissolution of Partnership (F)	E17 Civil Rights Act, G.L. c.12, s. 11H (A)			
B15 Defamation (Libel-Blander) (A)	D13 Declaratory Judgment G.L. c. 231A (A)	E18 Foreign Discovery Proceeding (X)			
B19 Asbestos (A)	D99 Other (Specify) (F)	E19 Sex Offender Registry G.L. c. 6, s. 178M (X)			
B20 Personal Injury- slip & fall (F)		E25 Plural Registry (Asbestos cases) (F)			
B21 Environmental (A)		E95 **Forfeiture G.L. c. 94C, s. 47 (F)			
B22 Employment Discrimination (F)		E96 Prisoner Cases (F)			
B99 Other (Specify) (F)		E97 Prisoner Habeas Corpus (X)			
E03 Claims against Commonwealth or Municipality (A)		E98 Other (Specify) (X)			

*Claims against the Commonwealth or a municipality are type E03, Average Track, cases.

**Claims filed by the Commonwealth pursuant to G.L.c.94C, s.47 Forfeiture cases are type E95, Fast track.

TRANSFER YOUR SELECTION TO THE FACE SHEET.

EXAMPLE:

CODE NO.	TYPE OF ACTION (SPECIFY)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence-Personal Injury	(F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> []

SUPERIOR COURT RULE 29

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**FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
 MAY RESULT IN DISMISSAL OF THIS ACTION.**

Commonwealth of Massachusetts
 County of Worcester
 The Superior Court

085572

CIVIL DOCKET # WOCV2010-01885-A
 Courtroom CtRm 20 - 4th fl (225 Main St, Worcester)

RE: **Greene v Brachfeld Law Group PC**
 TO:

G Christopher Gleason, Esquire
 501 New Kamer Road
 Albany, NY 12205

SCHEDULING ORDER FOR F TRACK

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Case shall be resolved and judgment shall issue by 06/17/2012			06/17/2012

- The final pre-trial deadline is not the scheduled date of the conference.
- You will be notified of that date at a later time.
- Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

Dated: 08/30/2010

Telephone: 508-831-2357 (session Clerk) or 508-831-2348

RECEIVED
THE ROSE LAW FIRM, PLLC Dennis P. McManus, Esq.
 Clerk of the Court
 SEP 0 1 2010
 CASE: *Greene v Brachfeld*
 FILE: *10016-2AF13*
 POSTMARK DATE *MAIL Reg*
 METER DATE *HAND*
 RECD. BY: *EXPRESS*

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130 —Check website as to status of case: <http://ma-trialcourts.org/tclc> 16577891 IndocD1 fraged

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.:

IAN GREENE,)
v.)
Plaintiff,)
THE BRACHFELD LAW GROUP, P.C.,)
Defendant.)

COMPLAINT

PLAINTIFF CLAIMS TRIAL BY JURY

1. Plaintiff Ian Greene, resides at 282 Riverlin Street, Milbury, MA.
2. Defendant The Brachfeld Law Group P.C. is a foreign corporation with a principal place of business located at 880 Apollo Street, El Segundo, California and a registered agent in the Commonwealth located at 84 State Street in Boston.. The principal purpose of defendant is the collection of debts within the commonwealth and its sister states and defendant regularly attempts to collect debts alleged to be due to another party within the commonwealth.
3. At all time relevant hereto, defendant was engaged in trade or commerce within the meaning of M.G.L. c. 93A § 2.
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FACTS

7. On or about August 12, 2009, defendant began communicating with plaintiff in an attempt to collect a debt.

8. Defendants communications with plaintiff improperly threatened legal action that could not be taken.

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**COUNT I
(FDCPA)**

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24. Based on the actions of defendant alleged herein, defendant violated The Fair Debt Collections Practices Act (15 U.S.C. § 1692 *et seq.*).

25. As a result of its violations of The Fair Debt Collections Practices Act, defendant is liable to Plaintiff for all actual damages sustained by him, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

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(Violation of MGL c. 93A)

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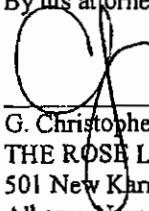
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Dated: Albany, New York
August 24, 2010

Respectfully submitted,
Ian Greene
By his attorneys


G. Christopher Gleason, Esq. (B.B.O.#:653613)
THE ROSE LAW FIRM, PLLC
501 New Karner Road
Albany, New York 12205
(518) 869-9200

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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

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OF THE TRIAL COURT
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24. Based on the actions of defendant alleged herein, defendant violated The Fair Debt Collections Practices Act (15 U.S.C. § 1692 *et seq.*).

25. As a result of its violations of The Fair Debt Collections Practices Act, defendant is liable to Plaintiff for all actual damages sustained by him, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant for the following:

- A. Declaratory judgment that conduct violated the Fair Debt Collections Practices Act;
- B. An award of actual damages sustained by plaintiff;
- C. An award of additional damages pursuant to 15 U.S.C. § 1693 k;
- D. An award of the costs of the action as well as a reasonable attorney's fee pursuant to 15 U.S.C. § 1692 k;
- E. An award of any other and further relief which to the Court seems just and proper.

COUNT II
(Violation of MGL c. 93A)

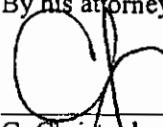
26. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
27. Based on the actions of Defendant alleged herein, Defendant has violated MGL c. 93A.
28. Such violations include but are not limited to a violation of 940 CMR 7.04 by:
 - A. communicating with plaintiff via telephone without proper disclosure of the name of the creditor;
 - B. Calling plaintiff in excess of two calls in each seven day period at his residence;
 - C. Failing to provide validation information; and
 - D. Misrepresenting the nature and character of the alleged debt.
29. Failing to comply with the standards set forth in 940 CMR 7.04 is a violation of MGL c. 93A.
30. As a result of its numerous violations of MGL c. 93A, defendant is liable to plaintiff for all actual damages sustained by him or the sum of twenty five (25) dollars, whichever is greater, as well as an award of reasonable attorneys fees and the costs of the action.
31. As defendant's violations of MGL c. 93A were knowing and willful, the amount of actual damages which plaintiff is entitled to recover should be trebled by the Court.

WHEREFORE, the plaintiff respectfully requests that the Court:

1. Enter judgment for plaintiff against defendant;
2. Enter an injunction against defendant preventing defendant from any further communication with plaintiff by telephone;
3. Award damages to the plaintiff in an amount to be determined by the Court;
4. Treble such amount as provided by MGL c. 93A § 9 (3);
5. Award plaintiff interest, costs and a reasonable attorney's fees as provided by MGL c. 93A § 9 (4); and
6. Award such other and further relief as this Court deems just and proper.

Dated: Albany, New York
August 24, 2010

Respectfully submitted,
Ian Greene
By his attorneys



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